

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICKY JAMES NICHOLOPAULES,

Petitioner,

- against -

DUKE TERRELL, Warden,

Respondent.  
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**ORDER**  
11-CV-1916 (RRM)

**ROSLYNN R. MAUSKOPF, United States District Judge.**

On April 14, 2011, Petitioner Ricky James Nicholopaules, currently incarcerated at the Metropolitan Detention Center (“MDC”) in Brooklyn, New York and proceeding *pro se*, petitioned for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. On August 13, 2012, this Court determined that petitioner’s petition should have been brought (1) pursuant to 28 U.S.C. § 2255 rather than § 2241, and (2) in the court that imposed his sentence, the Western District of New York. (Order (Doc. No. 8) at 2–3.) By written Order dated August 13, 2012 (Doc. No. 8), and for the reasons stated therein, this Court granted petitioner twenty one (21) days to consent to the conversion and transfer of his petition, or face dismissal without prejudice. The docket sheet reflects that the Court’s Order was mailed to petitioner on August 14, 2012. To date, petitioner has not responded.

As such, and for the reasons stated in this Court’s August 13, 2012 Order, the instant petition is dismissed without prejudice. The Clerk of Court shall mail a copy of this Order to petitioner and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York  
September 20, 2011

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
United States District Judge